



AMENDMENT NO. 4 TO THE AGREEMENT
WITH
HMH ENGINEERS
FOR
CONSULTATION AND OTHER SERVICES

This Amendment is entered into this 17th day of June, 2014, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and **HMH Engineers**, a California Corporation (hereafter referred to as "CONTRACTOR").

RECITALS

WHEREAS, on April 7, 2009, the City Council authorized a Consulting Services Agreement that was entered into for professional engineering services on the same date in a not-to-exceed amount of \$129,000 to close-out the Capital Improvement Project ("CIP") No. 4097, Dixon Landing Road/I-80 Interchange Right of Way ("Agreement"); and

WHEREAS, parties entered into Amendment No. 1 to the Agreement on December 27, 2010 to extend the Agreement until December 31, 2012; and

WHEREAS, parties entered into Amendment No. 2 to the Agreement on December 27, 2012 to extend the Agreement until June 30, 2013; and

WHEREAS, on June 18, 2013, Council approved Amendment No. 3 to the Agreement extending the Agreement until June 30, 2014; and

WHEREAS, the parties now desire to extend the Agreement for an additional three (3) years to allow CONTRACTOR sufficient time to continue coordination with Caltrans transferring land title to the State of California for CIP No. 4047, Dixon Landing Road/I-880 Interchange Right of Way close-out.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 1.1 entitled "Term of Services" is amended to read:
2. "The term of the Agreement shall begin on April 7, 2009 and shall end on June 30, 2017."
3. CONSULTANT agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement, between CONSULTANT and the CITY. CONSULTANT shall provide the CITY with renewal certificates of the current policies upon expiration of the current policy without any gap in coverage.
4. All other provisions of the amended Agreement not amended by this Amendment No. 4 shall remain in full force and effect.

This Amendment is executed as of the date written above on page one.

APPROVED BY:

CITY OF MILPITAS

HMH ENGINEERS

Thomas C. Williams, City Manager

William J. Wagner, PE, Vice President

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

APPROVED AS TO CONTENT:

Steve Chan, Project Manager